



Application for Felony DWI Court Travis County District Attorney's Office

I. Acknowledgement of Defendant

I, _____, have been advised by my attorney that I may be eligible for participation in the Travis County District Attorney's Felony DWI Court Program (*hereinafter F-DWI Court*). I have also been fully advised of the details of the F-DWI Court. Further, I have been fully advised by my attorney of my constitutional rights as a criminal defendant and that the same will be set forth in writing and explained to me before I make any agreement to participate in the F-DWI Court. I will be required to waive said constitutional rights.

I authorize the Travis County District Attorney's Office (*hereinafter TCDAO*) to conduct an investigation to determine my suitability for this program. I understand that the investigation may include interviews of persons deemed necessary by the TCDAO. I authorize the TCDAO to conduct such interviews and review records concerning me in the possession of such persons in a reasonable manner.

I understand that a false answer to any question during this interview may be grounds for recommendation against placement into the F-DWI Court or removal after placement in the F-DWI Court, in which case TCDAO will resume prosecution on the original felony charge.

I understand that if I am accepted into and sign the agreement to participate in the F-DWI COURT the information obtained from me can be used against me on the issue of guilt in any future prosecution for this offense. However, if I am not accepted into the F-DWI Court neither this application nor any other document filed with the TCDAO as a result of my application to the F-DWI Court will be used against me.

II. The Program

The Felony DWI Court program is an alternative to prosecution offered by the Travis County District Attorney's Office, which seeks to divert certain offenders from traditional criminal justice processing into a program of supervision and services administered by the TCDAO, in conjunction with the Travis County Community Supervision and Corrections Department.

F-DWI Court is an exercise of prosecutorial discretion according to standardized guidelines which attempt to identify offenders most likely to benefit from rehabilitation/treatment and to focus rehabilitation/treatment efforts on them very early in the criminal justice process. The exercise of prosecutorial discretion centers on determining which offenders have not adopted a criminal life pattern and would benefit from being diverted out of the criminal justice system. Diverting these individual

offenders is one aspect of the overall effort to make criminal sanctions more appropriately fit the individual and would have the effect of freeing prosecutorial and Court resources for more serious offenders, thereby reducing recidivism and danger to the community.

Participation in the F-DWI Court by the defendant is voluntary. Participants of the F-DWI Court will enter into a binding contract with the TCDAO and the DWI Court itself. The TDCAO contract is finalized upon signatures of the prosecutor, the defendant, and the defendant's attorney. The contract outlines that participants who successfully complete the F-DWI Court will plead guilty to a Class A Misdemeanor DWI 2nd charge. However, participants who do not successfully complete the F-DWI Court will have their original felony charge prosecuted by the TCDAO, and that charge will be ineligible for any misdemeanor reduction. If the defendant is not accepted into the F-DWI Court, any information obtained as a result of the application will not be used against him/her in connection to the prosecution for the offense.

III. Eligibility Criteria

The nature of the offense and the circumstances surrounding the commission of the offense are major considerations in the decision to defer prosecution, as is the potential for harm to the community by the defendant. The defendant's attitude plays a major role in determining eligibility. The defendant **MUST** accept full responsibility for the offense; therefore, the defendant's written version of the offense will be an important deciding factor of acceptance into the F-DWI Court.

The following non-exclusive list of factors will automatically render the defendant **INELIGIBLE** for acceptance into the F-DWI Court:

1. *Violent History*
2. *Any prior felony conviction or deferred adjudication*
3. *Ineligible pending cases (felonies; misdemeanors; out-of-county charges; federal charges)*
4. *Does not reside in Travis County or a contiguous county*
5. *Offense involved a collision*
6. *Driving While Intoxicated with a child in the vehicle*
7. *Submission of the application more than 120 days after arrest*
8. *Previous DWI or Drug Court Participant*

IV. Application

Defendant Name: _____

Date of Birth: _____

Aliases (if any): _____

Social Sec. #: _____

Address: _____

County of Residence: _____

Phone #: _____ Defendant's Email: _____

Attorney Name: _____ Phone #: _____

Attorney Address: _____ Fax #: _____

Attorney's Email: _____

Cause No.	Court	Next Setting	Charge

Other Pending Charges (list charges and jurisdictions): _____

1. Does the Defendant have any outstanding warrants or holds in any jurisdiction (including immigration matters)?

2. Is the Defendant currently on Community Supervision/Probation in any other jurisdiction? YES ____ NO ____

If Yes, charges and jurisdictions: _____

3. Does the Defendant have reliable transportation? YES _____ NO _____

4. List all medication(s) currently prescribed to the Defendant and reasons as for such medication(s):

5. Has Defendant ever been treated for substance abuse? YES ____ NO ____

If Yes, provide documentation from treating organization and include dates of treatment: _____

6. Please provide your Alcohol Monitoring Device Report with this application.

7. Please explain in your own words your reasons for applying to participate in the DWI Court Program and what you hope to accomplish in the program (**Defendant must accept full responsibility for the offense; this section must be completed by Defendant**):

3. The application will be reviewed and the defendant's attorney will be notified regarding defendant's acceptance into the F-DWI Court.
4. Once accepted into the F-DWI Court, the defendant's case will be transferred to the 450th Criminal District Court and defendant's attorney of record shall contact the Court coordinator of the 450th Criminal District Court to obtain an initial F-DWI Court docket setting.
5. On the initial F-DWI Court docket setting, all involved parties will convene in person to sign the Felony DWI Court Agreement. The defendant will then accept the pre-trial bond condition of successfully completing DWI-Court in County Court #7 under the supervision of Judge Elizabeth Earle.
6. Upon successful completion of the DWI-Court program, Defendant will plead guilty to a Class A Misdemeanor DWI 2nd charge.
7. The defendant's underlying felony case will remain pending during the term of the DWI Court and will only be disposed of upon successful completion of DWI Court or upon the final sentencing of the defendant after being unsuccessfully discharged from the DWI Court program.

VI. Certification

I certify that the above listed information is true and correct to the best of my knowledge and all proper documentation has been provided in the application.

Attorney of Record (printed name)

Date

E-mail

Attorney of Record (signature)

Phone number

I swear and certify the information contained in this application is true and correct and I did not withhold any information and I understand that failure to complete the application true and correct or to withhold any information shall be grounds for removal from the program.

Defendant (signature)

Date